



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 2410.4, *Environmental Planning Program*, dated on September 25, 2013.

SUMMARY OF CHANGES: Section 3, Authorities, revised existing authorities and added new authorities; Section 4, Definitions, revised the title of the guidance document and hyperlink updated; Section 5, Responsibilities, grammatical edits made, current terminology and responsibilities was added, and responsibilities were updated; Section 7, Procedures, updated the title of the guidance document and hyperlinks updated; Section 8, Approval and Effective Date, updated language and approval signature block to reflect the current administration and updated point-of-contact information.

1. **PURPOSE:** This directive provides TSA policy and procedures regarding environmental review of the TSA planning, development, and acquisition process to ensure compliance with the National Environmental Policy Act (NEPA), and DHS and TSA directives.
2. **SCOPE:** This directive applies to all TSA organizational elements involved in program planning and/or project development and includes all TSA actions with the potential to affect the quality of the environment of the United States, its territories, its possessions, and abroad as defined by Executive Order (EO) 12114, including actions executed, funded, or mandated by TSA.
3. **AUTHORITIES:**
 - A. Clean Air Act, 16 U.S.C. §470 et. seq.
 - B. Clean Water Act, 33 U.S.C §1251 et. seq.
 - C. Coastal Zone Management Act, 16 U.S.C. §1451 et. seq.
 - D. Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, 40 CFR §1500-1508
 - E. [DHS Directive 023-01, Revision 01, Implementation of the National Environmental Policy Act](#)
 - F. [DHS Directive 121-01-001, Instruction for the Office of the Chief Security Officer](#)
 - G. [DHS Directive 121-01-007, Personnel Suitability and Security Program](#)
 - H. [DHS Instruction Manual 023-01-001-01, Revisions 01, Implementation of the National Environmental Policy Act \(NEPA\)](#)
 - I. Endangered Species Act, 16 U.S.C §1531 et. seq.

- J. Executive Order (EO) 11514, *Protective and Enhancement of Environmental Quality*, dated March 5, 1970; as amended by EO 11991, dated March 21, 1977
 - K. EO 11988, *Floodplain Management*, dated May 24, 1977
 - L. EO 11990, *Protection of Wetlands*, dated May 24, 1977
 - M. EO 12114, *Environmental Effects Abroad of Major Federal Actions*, dated January 4, 1979
 - N. EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, dated February 11, 1994
 - O. EO 13175, *Consultation and Coordination with Indian Tribal Governments*, dated November 9, 2000
 - P. EO 13693, *Planning for Federal Sustainability in the Next Decade*, dated March 19, 2015
 - Q. EO 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*, date January 30, 2015
 - R. Marine Mammal Protection Act, 16 U.S.C. §1361 et. seq.
 - S. Migratory Bird Treaty Act, 16 U.S.C. §703-712
 - T. National Environmental Policy Act of 1969, 42 U.S.C. §4321 et. seq.
 - U. National Historic Preservation Act, 16 U.S.C. §470 et. seq.
 - V. National Marine Sanctuaries Act, 16 U.S.C. §1431 et. seq.
 - W. [TSA Environmental Policy Statement](#)
 - X. [TSA MD 2410.1, Environmental Management System](#)
4. **DEFINITIONS:** For full list of definitions, please see the associated [TSA Environmental Planning Program National Environmental Policy Act \(NEPA\) Guide & Implementing Procedures](#).
- A. Council on Environmental Quality: Established within the Executive Office of the President by Congress as part of NEPA. The Council coordinates federal environmental efforts and oversees agency implementation of NEPA to ensure federal agencies meet their obligations under the Act.
 - B. Environmental Planning Process: The approach required to systematically address environmental stewardship requirements during program and project planning, development, and design; and prior, during, and after execution.
 - C. Proponent: The individual or office initiating the federal action, typically the project or program manager.

5. RESPONSIBILITIES:

- A. The Administrator, Deputy Administrator, Assistant Administrators and equivalents are responsible for providing senior management commitment and visible support for TSA's compliance with NEPA, CEQ regulations, the DHS Environmental Planning Program, and other associated laws, regulations, and executive orders.
- B. The Assistant Administrator/Chief Financial Officer (CFO) and Administrative Officer for the Office of Finance and Administration is responsible for:
 - (a) Establishing policy and guidance, delegating authority, and assigning responsibility for promoting and conducting environmental planning, including delegating authority for establishment and support of the TSA Environmental Planning Program; and
 - (b) Ensuring environmental planning requirements are incorporated into all TSA actions, activities, and budget requests to meet the requirements of this directive;
 - (c) Ensuring compliance with requirements of NEPA and applicable laws, regulations, executive orders, DHS and TSA directives, and the TSA Environmental Policy Statement; and
 - (d) Delegating specific authority for environmental planning to the Director, Occupational Safety, Health, and Environments Division (OSHE).
- C. The Director of OSHE is responsible for:
 - (1) Designating an Environmental Planning Program Manager (EPPM) to serve as the primary point-of-contact for day-to-day environmental planning activities;
 - (2) Providing oversight for implementing of the Environmental Planning Program, to ensure compliance with the requirements of NEPA, applicable regulations, executive orders and directives;
 - (3) Providing required environmental documents and procedures to the DHS Director, Office of Sustainability and Environmental Programs (DOSEP), for signature when required, unless delegated authority; and
 - (4) Approving environmental planning documents, such as Environmental Impact Statements and Environmental Assessments, when circumstances require senior-level coordination (e.g., controversial action, international scope).
- D. The EPPM is responsible for:
 - (1) Ensuring compliance with the requirements of NEPA, applicable regulations, executive orders, directives, and the TSA Environmental Policy Statement. This may include:
 - (a) Ensuring appropriate environmental planning, including NEPA analyses and documentation, is completed before the Proponent makes a decision that has adverse environmental effects or limits the choices of alternatives;

- (b) Ensuring environmental reviews are conducted in coordinating with acquisition planning, including any programming or budgeting to meet the requirements of this directive;
 - (c) Ensuring Proponents are cognizant of the potential environmental impacts of their programs and projects;
 - (d) Monitoring the preparation and review of environmental planning efforts to ensure compliance with all applicable scheduling, scoping, consultation, circulation, and public involvement requirements; and
 - (e) Advocating and developing agreements with government regulatory and/or resource agencies concerning NEPA and other environmental planning requirements, when necessary.
- (2) Ensuring awareness of environmental planning requirements within all TSA functional areas through training and outreach;
 - (3) Establishing appropriate policy guidance to enable the effective performance of environmental planning and training to ensure awareness of the program, including consulting with TSA program offices to ensure their policies and procedures incorporate directive requirements.
 - (4) Reviewing environmental planning documentation to ensure its quality and adequacy. Along with the Proponent, the EPPM is responsible for the content and quality of documentation;
 - (5) Coordinating with DHS Components and other government agencies on environmental planning actions or activities that affect, or are affected by, TSA;
 - (6) Serving as a primary point of contact for the DHS Environmental Planning and Historic Preservation Program;
 - (7) Coordinating with DHS OSEP on actions covered by EO 12114, as directed in DHS Directive 023-01, unless otherwise delegated; and
 - (8) Maintaining the TSA Administrative Record.

E. The Proponent is responsible for:

- (1) Taking the lead in environmental planning efforts, maintaining an understanding of the potential environmental impacts of their programs and projects, and integrating the environmental planning process at the earliest stage;

NOTE: While the Proponent is not expected to personally execute and document the environmental planning process, he or she has the lead role and responsibility for initiating the effort and ensuring its completion.

- (2) Ensuring appropriate environmental planning is completed before a decision is made that limits the choices of alternatives to satisfy and objective, fix a problem, address a

weakness, or develop a program. This includes ensuring compliance with analyses and documentation required by environmental planning regulations;

- (3) Ensuring adequate resources are available to complete the appropriate environmental analysis, as well as future commitments, such as mitigation or monitoring, identified during the environmental planning process. Recourses required to complete environmental planning requirements may include: funding, adequate time, and access to information or subject matter experts related to the proposed action;
- (4) Ensuring the environmental planning process produces quality analysis and documentation, and approving the contents of completed environmental planning documentation by signature when required;
- (5) Performing the necessary communication and engagement with interested parties which may include federal, state, tribal or local entities, and the public;
- (6) Engaging the EPPM to obtain assistance with meeting environmental planning requirements, and information the EPPM of the completion of actions requiring mitigation or monitoring;
- (7) Ensuring mitigation or other commitments made during the Environmental Planning process are satisfied;
- (8) Providing, for EPPM review and approval, environmental planning documentation created by a third-party for incorporation into the TSA Administrative Record; and
- (9) Providing signature approval for completed environmental planning documents.

F. The Office of Chief Counsel (OCC) is responsible for:

- (1) Upon request, providing an opinion of legal sufficiency on completed environmental planning documents;
- (2) Providing support to the EPPM in making determination on the applicability of NEPA or other environmental planning requirements on proposed TSA actions; and
- (3) Providing review and signature of environmental planning documents, as needed.

G. All TSA officials are responsible for:

- (1) Implementing the TSA Environmental Planning Program in accordance with the responsibilities and policy set forth in the directive, and other applicable DHS and TSA environmental management directives;
- (2) Integrating environmental planning, including sufficient funding and time, into standard procedures for all applicable program, activities, and operations;
- (3) When necessary, making NEPA analysis and documentation available to the public, in compliance with 40 CFR Part 1506.6(f), CEQ guidance, and DHS requirements;

- (4) Supporting agency outreach, awareness, and training efforts for environmental planning;
- (5) Ensuring TSA programs/projects perform appropriate environmental review and commitments in NEPA decision documents are implemented as agreed upon; and
- (6) Ensuring planning, development and implementation of TSA actions includes consultation with EPPM to ensure NEPA compliance.

6. POLICY:

- A. TSA shall ensure environmental planning and historic preservation are consistent and complementary to the planning and execution of the TSA mission and our responsibility for protecting the environment and the communities in which we serve.
- B. TSA shall adapt, supplement, and use applicable directives to comply with NEPA, CEQ regulations, and other environmental planning requirements and ensure that environmental planning is incorporated within the planning, development and acquisitions process.
- C. TSA shall recognize the impacts of their decisions on the natural environment, culture or historic resources, and other protected resources and will minimize or avoid adverse environmental impacts when practicable.
- D. TSA shall ensure all laws and regulations related to environmental planning that require pre-approval by other government agencies (e.g. federal or state permits) will be integrated into the environmental planning process at the earliest stage and to the fullest extent practicable.
- E. In the event of an emergency, TSA shall not delay emergency action performed in accordance with the agency's mission to comply with NEPA; however the senior official responsible for the action should consider the potential environmental impacts of the proposed action, minimize impact to the maximum extent practicable, and consult with the EPPM to determine an alternative arrangement for complying with environmental requirements.
- F. In accordance with 40 CFR 1507.3(c), TSA shall not disclose classified, confidential, or sensitive security information that otherwise would not be disclosed pursuant to the Freedom of Information Act (5 U.S.C. §552). However, the existence of classified or sensitive security information in a project or program does not relieve TSA of NEPA requirements.

- 7. PROCEDURES:** For specific details on the TSA Environmental Planning Program and compliance with NEPA, reference the *TSA Environmental Planning Program NEPA Guide & Implementing Procedures*, and related environmental guidance located on the [TSA iShare Environmental Planning Program page](#).

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

September 20, 2016

Pat A. Rose, Jr.
Assistant Administrator
And Chief Financial and
Administrative Officer
Office of Finance and Administration

Date

EFFECTIVE

Date

Distribution: Assistant Administrators and equivalents, Administrative Officers, Business Management Directors, and Attorney Advisors
Point-of-Contact: Environmental Planning Program Manager,
TSAEnvironmentalPlanning@dhs.gov, (571) 227-1116